

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

And

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 20658 of 2004

Between:

M/s.Shreyapet Private Limited, a Private Limited Company, having its
Registered Office at Banjara Hills, Hyderabad,
rep., by its General Manager (Commercial) Mr.S.V.Subramanyam, s/o Rajagopalam

..... PETITIONER

AND

- 1 The Commercial tax Officer, Mehdipatnam Circle, Hyderabad.
- 2 The Additional Commissioner (CT) Legal (FAC), Office of the Commissioner of Commercial Taxes, Andhra Pradesh, Hyderabad.
- 3 The Oriental Bank of Commerce,
Nampally Station Road, Hyderabad rep., by its Branch Manager

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction especially one in the nature of writ of mandamus declaring the action of the second respondent in rejecting the stay petition filed by the petitioner for the years 1999-2000 and 2000-2001 under APGST and CST Acts by impugned order dated 20-09-2004 as illegal, arbitrary and contrary to the

provisions of law and set aside the same.

Counsel for the Petitioner: MR.S.RAVI

Counsel for the Respondent Nos.1 & 2: SPECIAL SC FOR COMMERCIAL TAXES.

Counsel for the Respondent No.3: --N.P.--

The Court, at the stage of admission, made the following:

Oral order: (Per: The Hon'ble Mr. Justice Bilal Nazki)

Heard learned Counsel for the parties. With their consent, the Writ Petition is disposed of at this stage.

The controversy is that pending appeal, application for stay was dismissed by the competent authority. We have gone through the record and heard learned Counsel for the parties. We feel that the interest of justice would have been met, if stay was granted pending appeal, subject to deposit of half of the liability. Therefore, we set aside the order of the authority and direct that half of the disputed tax liability shall be paid by the petitioner within a period of four weeks. Any amount already paid shall be deducted from the amount to be deposited. For four weeks, there shall be an unconditional stay and the stay shall continue till disposal of the appeal, provided the amount is deposited within four weeks. The deposit of amount shall be without prejudice to the rights of the petitioner in the appeal.

Writ Petition is disposed of accordingly. No costs.

BILAL NAZKI, J

S. ANANDA REDDY, J

Dt. 10-11-2004

Pvks/*

Nb: Operative portion by wire at party's costs.

B/o pvks

To

1. The Commercial tax Officer, Mehdiapatnam Circle, Hyderabad.
2. The Additional Commissioner (CT) Legal (FAC), Office of the Commissioner of Commercial Taxes, Andhra Pradesh, Hyderabad.

3.2CCs to the Special SC for Commercial Taxes, A.P. High Court Buildings, Hyderabad.

4.2CD copies

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